



Postal Registration No. N. E.—771/2006-2008

The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 277

Shillong, Tuesday, September 10, 2019

19th Bhadra, 1941 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2019.

No.LB.96/LA/2019/4.—The Court Fees (Meghalaya Amendment) Bill, 2019, introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE COURT FEES (MEGHALAYA AMENDMENT) BILL, 2019**A****BILL**

to further amend the Court Fees Act, 1870 in its application to the State of Meghalaya.

Be it enacted by the Legislature of the State of Meghalaya on the Seventieth year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Court Fees (Meghalaya Amendment) Act, 2019.
- (2) It shall come into force on the date of notification in the Official Gazette.

Amendment of Section 25A of the Court Fees Act, of 1870.

2. In Section 25A of the Court Fees Act, 1870, the following shall be amended, namely, -
 - (a) In sub-clause (ii) of clause (a) in between the words “Treasury or Sub-Treasury”, and “and shall”, the following new words “or by way of e-payment, in the manner as prescribed by rules” shall be inserted.
 - (b) After sub-clause (ii) of clause (a) the following new proviso shall be added, namely :-

”Provided that where court fee is paid by e-payment, the officer competent to cancel stamps shall verify the genuineness of the payment and after satisfying himself that the court fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the documents that the court fee is paid and the entry is locked”.

Repeal and Saving

3. (1) The Court Fees (Meghalaya Amendment) Ordinance, 2019 (Ordinance No. 4 of 2019) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken when the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Court Fees (Meghalaya Amendment), Act, 1972, fees are paid either by court fee stamp or in cash in any Treasury or Sub Treasury. Due to spurt in litigations, there is increase in demand of court fee stamps. With the introduction of new and advanced technology to enable e-payments, the Government considers it expedient to provide a system for payment of court fee through e-payment in addition to the existing systems of payment. In order to enable this to take place, a provision should be made in the Act by amending the Court Fees (Meghalaya Amendment), Act, 1972 to enable e-payments of court fees to the treasury.

Hence, the Bill.

CONRAD K. SANGMA,
Chief Minister
i/c Taxation Department.

ANDREW SIMONS
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The provisions of this Bill and the Rules thereof when enacted and enforced will be administered by the existing staff of the Department and no additional expenditure will be necessary for the purpose.



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GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2019.

No.LB.97/LA/2019/4.—The Meghalaya Compulsory Registration of Marriage (Amendment) Bill, 2019, introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the statement of objects and reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA COMPULSORY REGISTRATION OF MARRIAGE (AMENDMENT)
BILL, 2019**

A

BILL

further to amend the Meghalaya Compulsory Registration of Marriage Act, 2012 (Act No. 13 of 2012);

Be it enacted by the Legislature of the State of Meghalaya Legislative Assembly in the Seventieth Year of the Republic of India as follows:—

**Short title and
commencement.**

1. (1) This Act may be called the Meghalaya Compulsory Registration of Marriage (Amendment) Act, 2019.
- (2) It shall come into force at once.

**Insertion of new
clause (j) in Section 2.**

2. In section 2 of the Meghalaya Compulsory Registration of Marriage Act, 2012, after the existing clause (i), new clause (j) shall be inserted namely, -
 - “(j) “Official purposes” in relation to the said Act shall mean a Contract of Marriage entered between the parties for addressing issues pertaining to pension, succession, and maintenance of spouse”.

STATEMENT OF OBJECTS AND REASONS

It is necessary to define the term “official purposes” in relation to Meghalaya Compulsory Registration of Marriage Act for addressing issues pertaining Pension, succession and maintenance of Spouse.

CONRAD K. SANGMA,

Chief Minister

i/c Taxation Department.

ANDREW SIMONS,

Commissioner & Secretary,

Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The provisions of this Bill and the Rules thereof when enacted and enforced will be administered by the staff of the Department and no additional expenditure will be necessary for the purpose.



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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2019.

No.LB.101/LA/2019/4.—The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Bill, 2019, introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS' SALARIES AND
ALLOWANCES) (AMENDMENT) BILL, 2019,**

A

BILL

further to amend the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972;

Be it enacted by the Legislature of the State of Meghalaya in the seventieth year of the Republic of India as follows :-

- | | |
|--|---|
| 1. Short title and commencement. | <p>(1) This Act may be called the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Act, 2019.</p> <p>(2) It shall come into force from the date of notification in the official Gazette.</p> |
| 2. Amendment of Section 4 of Act No. 8 of 1972. | <p>In clause (b) of Section 4 of the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972 hereinafter referred to as the principal Act, for the words "rupees six hundred" appearing therein, the words "rupees One thousand two hundred" shall be substituted.</p> |

STATEMENT OF OBJECT AND REASONS

The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Bill, 2019 is proposed to amend the existing provision of Section 4 of the Legislative Assembly of Meghalaya Act, 1972. According to the existing provision a daily allowance at the rate of Rupees six hundred is being paid to the member's attendance required in connection with his duties. Therefore, the proposal in this amendment Bill is to enhance the daily allowance to the members.

Hence this Bill.

PRESTONE TYNSONG,

Deputy Chief Minister

In-charge Parliament Affairs Department.

ANDREW SIMONS,

Commissioner & Secretary,

Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

Expenditures will be involved from the consolidated Fund of the State for implementation of the proposed amendment Bill.



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GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2019.

No.LB.111/LA/2019/3.—The Meghalaya Farmers' (Empowerment) Commission Bill, 2019, introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA FARMERS' (EMPOWERMENT) COMMISSION BILL, 2019

A BILL

to provide for empowerment of the farmers of Meghalaya by constituting the Meghalaya Farmers' (Empowerment) Commission to act as a bridge between the farmers and the Government and would, *inter alia*, study and identify key issues of the farmers in the State of Meghalaya as also suggest remedial measures to make farming sector more attractive and remunerative for farmers and youth. The Commission shall engage itself in the formulation of long-term and short-term policy measures for the benefit of farmers and devise ways and means for better implementation of the Government policies relating to agriculture, allied sectors, food processing and value chain development in the State of Meghalaya. The Commission shall render such advice to the Government of Meghalaya on all matters connected therewith, and incidental thereto. The Commission shall examine various facets of farming activities including but not limited to climate change, sustainable farming practices, implementation of various commodity specific Missions, markets and international agreements, and their impact on farmers and farming activities and would assist the Government in formulating appropriate policies and programmes for mitigation as well as adaptation.

Be it enacted by the legislature of the State of Meghalaya in the seventieth year of the Republic of India as follows : -

CHAPTER I

Preliminary

- | | |
|--|--|
| Short title,
extent and
Commencement. | <p>1. (1) This Act may be called the Meghalaya Farmers' (Empowerment) Commission Act, 2019.</p> <p>(2) It extends to the whole State of Meghalaya.</p> <p>(3) It shall come into force from the date of its publication in the Official Gazette.</p> |
| Definitions. | <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "Agriculture" means growing or cultivation of plants or produce of agriculture, horticulture, animal husbandry, dairying, herbal and medicinal plants, apiculture, sericulture, or any such other activity for the purpose of food, fodder, fiber, fuel, bio-fuel, and raw materials etc. for agro-industries;</p> <p>(b) "Commission" means 'The Meghalaya Farmers' (Empowerment) Commission' constituted under sub-section (1) of Section 3 this Act;</p> <p>(c) "Act" means "The Meghalaya Farmers' (Empowerment) Commission Act, 2019";</p> <p>(d) "farmer" means any person(s) who. -</p> <p style="margin-left: 20px;">(i) cultivates crops by cultivating the land himself; or</p> <p style="margin-left: 20px;">(ii) cultivates crops by supervising the cultivation of land through any other person;</p> |

- (iii) any person who engages in fisheries, dairying, poultry, and other animal husbandry activities, and allied sectors like sericulture, apiculture, etc.;
- (iv) any person who engages in agro forestry, non-timber forest produce, etc.;
- (v) any persons who are agricultural labourers, sharecroppers, tenants engaged in various farm related occupations.
- (e) "Government" means the Government of Meghalaya;
- (f) "Nodal Department" means the Agriculture Department of the Government;
- (g) "produce" includes agricultural produce, livestock and its products, fishery products, Sericulture and Apiculture products, and such other products as may be considered appropriate by the Commission from time to time;
- (h) "regulations" means regulations made by the Commission under Section 14 in accordance with the provisions of this Act; and
- (i) "rules" means the rules made under this Act.

CHAPTER II

Constitution of the Commission and Functions of Farmers' (Empowerment) Commission

- Constitution of the Commission, officers and other employees**
3. (1) There shall be a Commission, to be known as the Farmers' (Empowerment) Commission, to discharge the functions assigned to it under this Act.
- (2) The Commission shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with the power to acquire, hold and dispose of properties, both moveable and immovable, and to contract, and shall by the said name sue and be sued.
- (3) The Commission shall consist of a sole member who shall be its Chairperson. The Chairperson to be appointed by the Government shall be a person of technical qualification, outstanding caliber and eminence, with long experience in agriculture policy formulation and implementation.
- (4) The Commission may engage such officers and other employees as may be necessary, either against sanctioned posts, or on contractual basis, or on deputation basis, or on such other short-term or medium term basis, for the efficient discharge of its functions and the process of such engagement, the salaries, allowances and other conditions of service of such officers- and employees of the Commission shall be periodically informed to the Agriculture Department.

- (5) The Chairperson shall be the Chief Executive of the Commission and shall exercise such powers and perform such duties as may be prescribed under the rules.
- Term of office and conditions of the service of Chairperson and member**
4. (1) The Chairperson shall hold office for a term not exceeding five years from the date of assuming the office and shall not be eligible for reappointment in the Commission.
- (2) The Chairperson, may at any time, resign from office by writing under his hand addressed to the State Government.
- (3) The State Government may remove a person from the office of Chairperson, if that person :-
- (a) becomes an undischarged insolvent, or
- (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude, or
- (c) becomes of unsound mind and stands so declared by a competent court, or
- (d) refuses to act or becomes incapable of acting, or
- (e) in the opinion of the State Government has so abused the position of Chairperson as to render that person's continuance in office detrimental to the public interest :
- Provided that no person shall be removed under this sub-section until that person has been given reasonable opportunity of being heard in the matter.
- (4) A vacancy caused under sub-section (2) or sub-section (3) shall be filled by a fresh nomination or appointment, as the case may be.
- Salaries and allowances to be paid out of grant made by State Government.**
5. The salaries, allowances or remuneration payable to the Chairperson and the administrative expenses including salaries, allowances etc. payable to the officers and other employees shall be paid out of grants made by the State Government out of its budgetary allocation either in the form of a Corpus Fund, or in the form of annual grants, as the case may be.
- Vacancies etc. not to invalidate proceedings of the Commission.**
6. No proceedings of the Commission or any Committee thereof shall be invalid by reasons only of the existence of any vacancy in or any defect in the Constitution of the Commission or such Committee as the case may be.

CHAPTER III

Functions of the Commission

- Functions of the Commission.**
7. The Commission shall discharge the following functions, namely :-
- (i) to make suitable policy recommendations to the State Government based on sound economic principles for the benefit of farmers and farming sector in the State of Meghalaya;

- (ii) to assess the general farming situation and condition of the farmers in the State;
- (iii) to identify the specific needs of the farmers and farming associations on issues and challenges they are facing, and to suggest specific measures to address the issues;
- (iv) to set a medium term and long term goals - social, economic and ecological goals for the farming sector in order make the sector most competitive;
- (v) to suggest measures to improve the various stages of agriculture produce viz., grading, processing, storage, transport, channels of distribution and all other functions involved so there is no value erosion at any stage and the farmers realize complete value for their produce;
- (vi) identify and recommend measures for raising financial resources for the implementation of the various measures suggested by the Commission;
- (vii) to review periodically and suggest effective and innovative measures to strengthen the Implementation and Monitoring of the various Central and State Government schemes and commodity specific missions launched by the Government at various times, to ensure effective outcome of the same;
- (viii) to induct various technologies for enhancing productivity that may include Mobile apps, Artificial Intelligence based crop husbandry, Seed Technology and Tissue Culture and other new methods and practices;
- (ix) to take steps to promote climate change resilient natural farming methods such as Zero Budget Natural Farming (ZBNF) in the State;
- (x) to suggest ways and means for availability of financial services to the farmers of Meghalaya;
- (xi) to suggest measures to mitigate and alleviate farmer's distress arising out of debt burden;
- (xii) to set up Seed Villages and develop a comprehensive seed management system for conservation and propagation of indigenous and climate change resilient varieties of seeds in the State;
- (xiii) to suggest measures to secure Geographical Indications and Intellectual Property Rights for all niche and high value crops which are unique to the State of Meghalaya;
- (xiv) to recommend environment friendly Irrigation systems, organic fertilizers and bio pest management systems to farmers;
- (xv) to oversee implementation of Crop/Animal Insurance program for Agriculture and allied sectors;

- (xvi) to oversee implementation of Soil Health Card program to support farmers in soil health care screening;
- (xvii) to improve governance and delivery of services to farmers using the provisions of the Meghalaya Community Participation and Public Services Social Audit Act 2017;
- (xviii) to consider demands and grievances of farmers and farmers' Associations, and Unions and to establish a channel of communication with their representatives;
- (xix) to consider and advise Government on any other issue which is specially referred to the Commission by the State Government;
- (xx) The Commission shall submit to the Government an annual report of its functions and duties discharged in a financial year;
- (xxi) to encourage the farmers to form association, and/or co-operative societies so their voice is collectivized, and heard with respect; and
- (xxii) to implement such Externally Aided Projects that have a direct bearing on farmer empowerment and mobilization, as also their economic upliftment.

CHAPTER IV

Procedure and Powers

Procedure and Powers.

8. (1) The Commission shall devise its own procedures. It may call for such records and information from officials, as it considers necessary from the relevant Departments of the Government and autonomous research and training institutions who shall furnish such records, information and documents, relevant to the Commission's objectives and render such information and assistance as may be required by the Commission.
- (2) The Commission may set up sub-committee (s) or study team(s) on specific issues. It may also engage consultants to study any aspect which is covered by its terms of reference and may require the services of the officers and staff either on deputation, or on a contractual basis.
- (3) While the Commission shall be free to have a sitting anywhere in the State, the Government shall provide the Commission sufficient office space to accommodate the officials and staff, as well as space to facilitate the meetings with the farmers and/or their unions and associations.

CHAPTER V

Finance, Accounts and Audit

Grant by State Government etc.

9. (1) The State Government shall under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government in consultation with the Commission may think fit for being utilized for the purposes of this Act. The grant could be in the form of a Corpus fund, or annual grants, as the case may be.

- (2) The Commission may, subject to such terms and conditions as may be specified in this behalf by the State Government, may receive grants from Government of India, North Eastern Council, International Funding Agencies, Indian Council of Agricultural Research, National Bank for Agriculture and Rural Development or other funding Organizations of similar nature, so it can meet its obligations mandated under the Act.
- (3) The Commission may be serviced either by the Nodal Department or any such other organization, as may be notified by the Government.
- (4) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1) and sub-section (2).
- (5) The Commission may invest any or whole of its available/surplus financial resources in mutual funds, or in Commercial banks for generating regular income, to meet its mandated obligations. It will be open for the Commission to generate resources of its own, to reduce the financial burden on the Government.

**Accounts, Audit
and Accountability.**

10. (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Meghalaya.
- (2) The annual accounts of the Commission shall be audited by the Accountant General, Meghalaya.
- (3) The Accountant General, Meghalaya shall have the same rights and privileges and the authority in connection with such Audit as the Accountant General, Meghalaya generally has in connection with the Audit of Government accounts and in particular, shall have the right to demand, the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.
- (4) The Accounts of the commission, as certified by the Accountant General, Meghalaya together with the Audit report thereon shall, be forwarded annually to the State Government by the Commission.
- (5) The Chairperson of the Commission will periodically brief the Chief Minister of the Government of Meghalaya about the discharge of the functions of the Commission.

CHAPTER VI

Miscellaneous

**Chairperson,
Members and the staff
of the Commission
to be public servants.**

11. The Chairperson, the Officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code and Clause (C) Section 2 of the Prevention of Corruption Act, 1988.

Protection of acts done in good faith.	12.	No suit, prosecution or other legal proceedings shall lie against the Chairperson of the Commission or any officer of the Commission for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.
Power to make rules.	13.	<p>(1) The State Government may, by notification in the official Gazette make rules for carrying out the provision of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <p>(a) the salaries, allowances and facilities to be made available to, and the other terms and conditions of service of the Chairperson.</p> <p>(b) the form in which the annual statement of accounts shall be maintained.</p> <p>(c) any other matter which is required to be, or may be prescribed.</p> <p>(3) Every rule made under this Act shall be laid, as soon as may be after it is made before the State Legislature.</p>
Power to make regulations.	14.	The Commission may make regulations, not inconsistent with this Act and Rules made thereunder for the administration of the affairs of the Commission.
Power to remove difficulty.	15.	If any difficulty arises in the implementation of any provisions of this Act, Government may, as exigency requires, by order not inconsistent with the provision of this Act, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty.
Repeal and Savings	16.	<p>(1) The Meghalaya Farmers (Empowerment) Commission Ordinance, 2019 (Meghalaya Ordinance 2 of 2019) is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.</p>

STATEMENT OF OBJECT AND REASONS

The Meghalaya Farmers' (Empowerment) Commission Bill, 2019, is proposed and to replace the Meghalaya Farmers' (Empowerment) Commission Ordinance, 2019 (Meghalaya Ordinance No. 2 of 2019).

This proposed Bill provides the law to constitute the Farmers' (Empowerment) Commission to bridge between the farmers, agriculturist and the Government. The Commission shall consist of a sole member who shall be Chairperson appointed from among the person having technical qualification, with vast experience in agriculture policy formulation and implementation. The Commission shall function to study and identify key issues of the farmers in the State, to suggest remedial measures to make farming sector more attractive and remunerative for farmer and youth. It shall formulate long - term and short - term policy measures for the benefit of farmers and devise ways and means for better implementation of the government policies relating to agriculture, allied sectors, food processing and value chain development. Besides above, examine various facets of farming activities including sustainable farming practices, implementation of various commodity specific missions, market and international agreements, and their impact on farming activities etc.

Hence, this Bill.

BANTEIDOR LYNGDOH,
Minister in-charge Agriculture.

ANDREW SIMONS
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill will involve additional financial expenditure from the Consolidated Fund of the State when enacted.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 13 of the Bill empowers the State Government to make rules for carrying out the purposes of the enactment and Clause 14 empowers the Commission to make regulations to administer the Commission. Clause 15 empowers the State Government to remove difficulties that may arise during implementation of any of the provisions of the enactment. The delegation is of normal character.



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GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2019.

No.LB.113/LA/2019/4.—The Meghalaya Forest Regulation (Amendment) Bill, 2019, introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA FOREST REGULATION (AMENDMENT) BILL, 2019**A
BILL**

to amend the Meghalaya Forest Regulation (Assam Regulation No. 7 of 1891 as adapted and amended by the State of Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows:-

**Short title and
commencement.**

1. (1) This Act may be called the Meghalaya Forest Regulation (Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Amendment of
Section 3 of the
Meghalaya Forest
Regulation.**

2. In the Meghalaya Forest Regulation (Assam Regulation No. 7 of 1891 as adapted and amended by Meghalaya), in clause (2) of Section 3, the word “bamboos” appearing therein shall be omitted.

STATEMENT OF OBJECT AND REASONS

The Parliament has passed the Indian Forest (Amendment) Act, 2017 (Central Act No. 5 of 2018) omitting the word “bamboos” in clause (7) of Section 2 of the said Act. The Government of India advised all States where the said Act is not applicable to carry out the similar amendment in their local Forest Acts.

It is therefore proposed to amend clause (2) of Section 3 of the Meghalaya Forest Regulation (Assam Regulation No .7 of 1891 as adapted and amended by Meghalaya) by omitting the word “bamboos” from the definition of ‘tree’.

Hence this Bill.

LAHKMEN RYMBUI,
Minister In-charge
Forest & Environment Department.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill will not involve any additional expenditure from the Consolidated Fund of the State of Meghalaya.



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NOTIFICATION

The 9th September, 2019.

No.LB.112/LA/2019/3.—The Meghalaya Building and Other Construction Workers' Welfare Board Bill, 2019 introduced in the Meghalaya Legislative Assembly on the 6th September, 2019, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE BOARD BILL, 2019.

A BILL

to provide for the constitution of Welfare Board to promote Welfare of Labour in the State of Meghalaya and for other matters connected therewith or incidental thereto.

Be it enacted by Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Short title, extent and commencement.	<p>1. (1) This Act may be called the Meghalaya Building and Other Construction Workers' Welfare Board Act, 2019.</p> <p>(2) It extends to the whole State of Meghalaya.</p> <p>(3) It shall come into force on such date as the State Government may, by notification, appoint.</p>
Definitions.	<p>2. (1) In this Act, unless the context otherwise requires,-</p> <p>(a) "Act" means the Meghalaya Building and Other Construction Workers' Welfare Board Act, 2019;</p> <p>(b) "Board" means the Meghalaya Building and Other Construction Workers' Welfare Board established under Section 5;</p> <p>(c) "building or other construction work" means the construction, alteration, repairs, maintenance or demolition, of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourse, tunnels, transmissions towers and such other works as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply;</p> <p>(d) "building worker" means a person who is employed to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work but does not include any such person-</p> <p>(i) Who is employed mainly in a managerial or administrative capacity; or</p> <p>(ii) Who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per</p>

	<p>mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature;</p> <p>(e) "Chairman" means the Chairman of the Board;</p> <p>(f) "contractor" means a person who undertakes to produce a given result for any establishment, other than a mere supply of goods or articles of manufacture, by the employment of building workers or who supplies building workers for establishment; and includes a sub-contractor;</p> <p>(g) "employer", in relation to an establishment, means the owner thereof, and,-</p> <p>(i) in relation to a building or other construction work carried on by or under the authority of any department of the Government, directly without any contractor, the authority specified in this behalf, or where no authority is specified, the head of the department;</p> <p>(ii) In relation to a building or other construction work carried on by or on behalf of a local authority or other establishment, directly without any contractor, the chief executive officer of that authority or establishment;</p> <p>(iii) In relation to a building or other construction work carried on by or through a contractor, or by employment of building workers supplied by a contractor, the contractor;</p> <p>(h) "establishment" means any establishment belonging to, or under the control of, Government, anybody corporate or firm, an individual or association or other body of individuals which or who employs building workers in any building or other construction work; and includes an establishment belonging to a contractor, but does not include an individual who employs such workers in any building or construction work in relation to his own residence the total cost of such construction not being more than rupees ten lakhs;</p> <p>(i) "Government" means the State Government of Meghalaya;</p> <p>(j) "Fund" means the Meghalaya Building & Other Construction Workers Welfare Fund constituted under Section 3 of this Act;</p> <p>(k) "member" means the member of the Board;</p> <p>(l) "notification" means a notification published in the Official Gazette;</p> <p>(m) "prescribed" means prescribed by rules;</p> <p>(n) "regulation" means the regulations made by the Board under the rules of this Act;</p> <p>(o) "rules" means the rules made under this Act;</p>
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CHAPTER-II

THE ADVISORY COMMITTEES AND EXPERT COMMITTEES

<p>State Advisory Committee.</p>	<p>3.(1) The Government shall constitute a committee to be called the State Building and Other Construction Workers' Advisory Committee (hereinafter referred to as the State Advisory Committee) to advise the State Government on such matters arising out of the administration of this Act as may be referred to it.</p> <p>(2) The State Advisory Committee shall consist of-</p> <ul style="list-style-type: none"> (a) A Chairperson to be appointed by the State Government; (b) Two members of the State Legislature to be elected from the State Legislature-members; (c) A member to be nominated by the Central Government; (d) The Chief Inspector-member, <i>ex officio</i>; (e) Such number of other member as, not exceeding eleven, but not less than seven, as the State Government may nominate to represent the employers, building workers, associations of architects, engineers, accident insurance institutions and any other interests which, in the opinion of the State Government, ought to be represented on the State Advisory Committee. <p>(3) The number of persons to be appointed as member from each of the categories specified in clause (e) of sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of State Advisory Committee shall be such as may be prescribed:</p> <p style="padding-left: 40px;">Provided that the number of members nominated to represent the building workers shall not be less than the number of members nominated to represent the employers.</p>
<p>Expert Committees.-</p>	<p>4. (1) The appropriate Government may constitute one or more expert committees consisting of persons specially qualified in building or other construction work for advising the Government for making rules under this Act.</p> <p>(2) The members of the expert committee shall be paid with such fees and allowances for attending the meetings of the committee as may be prescribed:</p> <p style="padding-left: 40px;">Provided that no fee or allowances shall be payable to a member who is an officer of Government or of anybody corporate established by or under any law for the time being in force.</p>

CHAPTER- III
ESTABLISHMENT OF THE BOARD

Constitution of the Board.-	<p>5. (1) The Government shall, by notification, for the purposes of this Act, establish a Board by the name of Meghalaya Building and Other Construction Workers' Welfare Board.</p> <p>(2) The Board shall be a body corporate having perpetual succession and a with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and enter into contract and may, by the said name, sue and be sued.</p>
Members of the Board.-	<p>6. (1) The Board shall consist of-</p> <p>Official Members:</p> <ul style="list-style-type: none"> (i) a Chairperson, who shall be appointed by the Government not below the rank of Principal Secretary to the Government of Meghalaya, Labour Department; (ii) a member to be nominated by the Central Government; (iii) not more than five members representing the State Government of whom one shall be a representative of Finance Department, one shall be representative of Law Department and one shall be representative of Labour Department as a Secretary and <i>ex-officio</i>. <p>Non-Official Members:</p> <ul style="list-style-type: none"> (iv) not more than five persons representing the building and other construction workers nominated by the State Government; (v) not more than five persons from among the employers/Union/Association of construction and other building workers nominated by the State Government; (vi) One member of the Board shall be a woman. <p>(2) The members constituting the Board shall be notified in the Gazette.</p> <p>(3) The term of office of the members except the Chairman and ex-Officio members of the Board shall be such as may be prescribed from the date on which their names are notified under sub-section (2);</p> <p>(4) The allowances, if any, payable to the members of the Board other than the ex-Officio members and the number and conditions of nomination of the representatives of the employers and employees, shall be such as may be prescribed.</p>
Disqualification for appointment as a member of the Board.-	<p>7. (1) No person shall be nominated as, or continue to be, a member of the Board who-</p> <ul style="list-style-type: none"> (a) is a salaried official of the Board; or (b) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has suspended payment of his debts or has compounded with his creditors; or (c) is found to be of unsound mind; or

	<p>(d) is, or has been convicted of any offence involving moral turpitude, unless such conviction has been set aside; or</p> <p>(e) is in arrears or any sum due to the Board.</p> <p>(2) The Government may remove from office any nominated member who is, or has become, subject to any of the disqualifications mentioned in sub-section (1) of Section 6;</p> <p>Provided that, before taking action under this sub-section, the member concerned, shall be given an opportunity to make his representation against the action proposed.</p>
Resignation of office by members and filling up of casual vacancies.-	<p>8. (1) A nominated member may resign his office by giving notice thereof in writing to the Government and on the resignation being accepted, he shall be deemed to have vacated his office as such.</p> <p>(2) A casual vacancy in the office of a nominated member shall be filled by nomination of another person from the concerned category and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.</p> <p>(3) No act or proceeding of the Board shall be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.</p>
Secretary to the Board.-	<p>9. (1) The Secretary of the Board shall be its Chief Executive Officer.</p> <p>(2) The Secretary shall, with the approval of the Chairperson issue notice to convene meeting of the Board and keep the record of minutes and shall take necessary steps for carrying out the decisions of the Board.</p>
Appointment of Officers and staff of the Board.-	<p>10.(1) The Board may, with the prior concurrence of the State Government, appoint an officer of the Government not below the rank of a Labour Commissioner of the Labour Department as Secretary of the Board.</p> <p>(2) The Board shall, have powers to appoint such officers and staff as it thinks fit to carry out its functions under this Act to supervise and control the activities of any other person financed from the Fund.</p> <p>(3) Service Rules which defines all Service Conditions for the Board employees shall be framed.</p>
Meetings of the Board.-	<p>11.(1) The Board shall ordinarily meet once in two months:</p> <p>Provided that the Chairperson shall within fifteen days of the receipt of a requisition in writing from not less than one-third of the members of the Board, call a meeting thereof.</p> <p>(2) Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by registered post or by special messenger to each member fifteen days before the meeting:</p> <p>Provided that when the Chairperson calls a meeting for</p>

	considering any matter which in his operation is urgent, notice of not less than three days shall be deemed sufficient.
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CHAPTER IV

REGISTRATION OF ESTABLISHMENTS AND BUILDING WORKERS AS BENEFICIARIES

Appointment of registering officers	<p>12. The appropriate Government may, by order notified in the Official Gazette,-</p> <p>(a) Appoint such persons, being Gazetted Officers of Government, as it thinks fit, to be the registering officers for the purposes of this Act; and</p> <p>(b) Define the limits within which a registering officer shall exercise the powers conferred on him by or under this Act.</p>
Registration of establishments.-	<p>13.(1) Every employer / contractor shall,-</p> <p>(a) In relation to an establishment to which this Act applies on its commencement, within a period of 60 (sixty) days from such commencement; and</p> <p>(b) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 (sixty) days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of such establishment:</p> <p>Provided that the registering officer may entertain any such application after the expiry of the periods aforesaid, if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.</p> <p>(2) Every application under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.</p> <p>(3) After the receipt of an application under sub-section(1), the registering officer shall register the establishment and issue a certificate of registration to the employer thereof in such form and within such time and subject to such conditions as may be prescribed.</p> <p>(4) Where, after the registration of an establishment under this section, any change occurs in the ownership or management or other prescribed particulars in respect of such establishment, the particulars regarding such change shall be intimated by the employer to the registering officer within 30 (thirty) days of such change in such form as may be prescribed.</p>

Manner of making application for registration of establishments.-	<p>14.(1) The application referred to in sub-section (1) of Section 13 shall be made in such form as may be prescribed to the Registering Officer of the areas appointed under Section 12 in which the building or other construction work is to be carried on by the establishment.</p> <p>(2) Every application referred to under sub-section (1) shall be accompanied by a Treasury Challan showing payment of the fees for the registration of the establishment.</p>
Grant of certificate of registration.-	<p>15. (1) The Registering Officer, after receiving application under sub-section (1) of Section 14 shall register an establishment and issue a certificate of registration of the applicant within such days as may be prescribed. The certificate of registration to be granted by the Registering Officer shall be in such form as such as may be specified in the Rules.</p> <p>(2) The Registering Officer shall maintain a register in such form as may be prescribed showing the particulars of establishments in relation to which certificates of registration have been issued by him.</p> <p>13.If, in relation to an establishment, any change occurs in the ownership or management or other particulars specified in the certificate of registration, the employer of the establishment shall intimate the Registering Officer within such days as may be prescribed, the date and particulars of such change, and the reasons thereof.</p>
Fees.	16. The fees to be paid for grant of a certificate of registration under Section 15 shall be as such as may be prescribed.
Registration of building workers as beneficiaries.	17. Every building worker who has completed eighteen years of age but has not completed sixty years of age and who is not a member in any other welfare fund established under any law for the time being in force and who has completed 90 days of service as a building worker in the year immediately preceding shall be eligible for registration as a beneficiary under this Act.

CHAPTER V SCHEMES OF THE BOARD

Power and duties of the Board to undertake welfare Schemes.-	<p>18. The Board may-</p> <ul style="list-style-type: none"> (a) Provide immediate assistance to a beneficiary in case of accident; (b) Make payment of pension to the beneficiaries who have completed the age of sixty years; (c) Sanction loans for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed; (d) Pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit;
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	<p>(e) Give such financial assistance for the education of children of the beneficiaries as may be prescribed;</p> <p>(f) Meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be prescribed;</p> <p>(g) Make payment of maternity benefit to the female beneficiaries; and</p> <p>(h) Make provision and improvement of such other welfare measures and facilities as may be prescribed.</p> <p>(2) The Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the State Government for the purpose connected with the welfare of building workers in any establishment.</p> <p>(3) The Board may pay annually grants-in-aid to a local authority or to an employer who provides to the satisfaction of the Board welfare measures and facilities of the standard specified by the Board for the benefit of the building workers and the members of their family. However, that the amount payable as grants-in-aid to any local authority or employer shall not exceed-</p> <p>(a) The amount spent in providing welfare measures and facilities as determined by the State government or any person specified by it in this behalf, or</p> <p>(b) Such amount as may be prescribed whichever is less:</p> <p>Provided that no grants-in-aid shall be payable in respect of any such welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf.</p>
Power of Board to take up schemes.-	<p>19. The Board, may, carry out new schemes as directed by the Government of India from time to time under relevant Sections of the Act. Further, the Board may take up new schemes within the ambit of the Act for the welfare of building and other construction workers.</p>

CHAPTER VI BOARD'S FUND

Constitution of Fund.	<p>20. (1) The Board shall be constituted a fund to be called the Meghalaya Building & Other Construction Workers Welfare Fund and there shall be credited thereto-</p> <p>(a) Any grants and loan made to the Board by the Central Government;</p> <p>(b) All contributions made by the beneficiaries;</p> <p>(c) All sums received by the Board from such other sources as may be decided by the Central Government.</p>
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	<p>(2) The Fund shall be applied for meeting-</p> <p>(a) Expenses of the Board in the discharge of its functions under Section 20 of this Act;</p> <p>(b) Salaries, allowances and other remuneration of the members, officers and other employees for the Board;</p> <p>(c) Expenses on objects and for purposes authorised by the Board.</p> <p>(3) The Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and other employees and for meeting the other administrative expenses not exceeding five percent of its total expenses during that financial year.</p>
Benefits of the Fund.	21. Subject to the provisions of this Act, every building worker registered as a beneficiary under this Act shall be entitled to the benefits provided by the Board from its Fund under this Act.
Contribution to the Fund.	<p>22. (1) A beneficiary of the fund shall contribute to the fund at such rate as may be prescribed. This contribution shall be remitted in advance once in three months in any of the banks specified by the Board in the district in which the member resides.</p> <p>(2) If a beneficiary commits defaults in the payment of contribution continuously for period of one year, he shall cease to be a beneficiary of the Fund, However, with the permission of the Secretary or an officer authorized by him in this behalf, the membership may be resumed on repayment of arrears of contribution with a fine at such rates as may be prescribed subject to the condition that such resumption shall not be allowed more than twice.</p> <p>(3) If a beneficiary is unable to pay his contribution monthly due to any financial hardships, the Board, may, waive the payment of contribution for a period not exceeding three months at a time.</p>

CHAPTER VII

LEVY AND COLLECTION OF CESS

Levy and collection of cess	23.(1) There shall be levied and collected a cess for the purposes of this Act at such rate not exceeding two per cent. but not less than one per cent. of the cost of construction incurred by an employer, as the Central Government, may, by notification in the Official Gazette, from time to time specify.
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	<p>(2) The cess levied under sub-section (1) shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such authority is required, as may be prescribed.</p> <p>(3) The proceeds of the cess collected under sub-section (2) shall be paid by the local authority or the State Government collecting the cess to the Board after deducting the cost of collection of such cess not exceeding one per cent. of the amount collected.</p> <p>(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Act including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed on the basis of the quantum of the building or other construction work involved.</p>
Furnishing of returns.-	<p>24. (1) Every employer shall furnish return to such officer or authority, in such manner and at such time as may be prescribed.</p> <p>(2) If any person carrying on the building or other construction work, liable to pay the cess under Section 23, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person to furnish such return before such date as may be specified in the notice.</p>
Assessment of cess.-	<p>25. (1) The officer or authority to whom or to which the return has been furnished under Section 21 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.</p> <p>(2) If the return has not been furnished to the officer or authority under sub-section (2) of Section 24, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the employer.</p> <p>(3) An order of assessment made under sub-section (1) or sub-section (2) shall specify the date within which the cess shall be paid by the employer.</p> <p>(4) the condition that such resumption shall not be allowed more than twice.</p> <p>(5) If a beneficiary is unable to pay his contribution monthly due to any financial hardships, the Board, may, waive the payment of contribution for a period</p>

	not exceeding three months at a time.
Power to exempt.	26. Notwithstanding anything contained in this Act, the Government may, by notification in the Official Gazette, exempt any employer or class of employers in a State from the payment of cess payable under this Act where such cess is already levied and payable under any corresponding law in force in the State.
Interest payable on delay in payment of cess	27. If any employer fails to pay any amount of cess payable under Section 23 within the time specified in the order of assessment, such employer shall be liable to pay interest on the amount to be paid at the rate of two per cent. for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid.

CHAPTER VIII

Finance, Accounts and Audit of the Board

Power of Board to borrow.	28. Subject to the other provisions of this Act, the Board may, from time to time with the previous sanction of the Government, and subject to such conditions as may be specified by the Government in this behalf, borrow any sum required for the purposes of this Act.
Budget.	29. The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the State Government and the Central Government.
Annual Report	30. The Board shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving full account of its activities during the previous financial year, and submit a copy thereof to the State Government and the Central government.
Accounts and Audit.	31. (1) The Board shall cause to be maintained proper books of accounts and such other records as rules may require and shall prepare in accordance with the rules a statement of accounts for each financial year. (2) The accounts of the Board shall be audited once a year by authorised auditors. (3) As soon as the account of the Board have been audited,

	<p>the Board shall send a copy thereof together with a copy of the report of the auditors to the Government and shall cause the accounts to be published in the official Gazette as may be prescribed.</p> <p>(4) The Board shall comply with such directions as the Government, may, after perusal of the report of the auditor, think fit to issue.</p>
Concurrent and special Audit of Accounts.-	<p>32.(1) Notwithstanding anything contained in Section 31, the Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The Government may also direct a special audit of the accounts of the Board relating to any particular transaction or a class of series of transaction or to a particular period.</p> <p>(2) When an order is made under sub-section(1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section(1) such information as the said person may require for the purpose of audit.</p>
Investment of Funds.	<p>33. All moneys belonging to the fund may be invested in the Nationalised Banks or as such as may be prescribed.</p>
Utilization of Fund.	<p>34. The fund shall not, without the previous approval of Government, be expended for any purpose other than those mentioned in the Act and Rules.</p>
Expenditure from the Fund.	<p>35. (1) All expenses for the administration of the fund, fees and allowances of the Members of the Board, Salaries, Leave Salaries, Joining time pay, Travelling allowance, Compensatory Allowances, Charger allowance, Pension contribution and other benefits or personnel expenses, for the legitimate needs of the Board and the stationery expenses shall be met from the Administrative Account of the Fund and it shall not exceed five per cent. of its total expenses during that financial year.</p> <p>(2) The amounts incurred by the State Government for the administration of the Fund shall be treated as a loan which shall be repaid from the Administration Account.</p>
Administrative and Financial power of the Secretary	<p>36.(1) The Secretary of the Board may, without reference to the Board, sanction expenditure and contingencies supply services, purchase of articles and refund for administering the fund, subject to the amount as may be prescribed, to which, he may be authorized to sanction expenditure on any single item from time to time as may be specified under the Rule.</p> <p>(2) The Secretary may also exercise such other administration and financial powers other than those specified in sub-rule (1) above, as may be delegated to</p>

	<p>him, from time to time as may be specified under the Rule.</p> <p>(3) The Board may, from time to time delegate, subject to such conditions as specified under the Rule, administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for its efficient functioning.</p>
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CHAPTER IX MISCELLANEOUS

Officers and employees of the Board to be public servant.	37. All officers and employees of the Board shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.
Protection of action taken in good faith.	<p>38. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith, done or intended to be done in pursuance of this Act or any Rules or Order made there under.</p> <p>(2) No suit or other legal proceedings shall lie against the Government or the Board for any damage caused or likely to be caused by anything which is, in good faith, done or intended to be done in pursuance of this Act or any Rules or Order made there under.</p>
Power of Board to make Rules.	<p>39. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such Rules be made for all or any of the following matters, namely:-</p> <p>(a) The allowances to the members of the Board other than the <i>ex-officio</i> members and the number and conditions of nomination of the representatives of the employers and employees under sub-section (4) of Section 6 of this Act;</p> <p>(b) Disqualification for appointment as a member of the Board under Section 7 of this Act;</p> <p>(c) Appointment of Officers and staffs of the Board under Section 10 of this Act;</p> <p>(d) Investment of Funds under Section 33 of this Act;</p> <p>(e) Utilization of Fund under Section 34 of this Act;</p> <p>(f) expenses for the administration of the fund, fees and allowances of the Directors of the Board, Salaries, Leave Salaries, Joining time pay, Travelling allowance, Compensatory Allowances, Charger allowance, Pension contribution and other benefits or personnel expenses,</p>

	<p>for the legitimate needs of the Board and the stationery expenses under Section 35 of this Act;</p> <p>(g) the procedure to be followed at the meetings of the Board and the manner in which the Board shall conduct its business;</p> <p>(h) the conditions of service for the officers and staffs appointed by the Board under this Act;</p> <p>(i) the powers and duties of the Secretary of the Board;</p> <p>(j) the registers and records to be maintained by the Board or its officers and staffs under this Act including register to be kept separately for accounts;</p> <p>(k) the publication of the report of the activities of bodies financed from the Fund, together with a statement of receipts and expenditure of the Fund with statement of accounts;</p> <p>(l) any other matter which is required to be, or may be, prescribed.</p>
Power of the Board to alter/amend schemes.	40. The Board may, with the approval of the Government, may, make any alteration or amendment in any scheme for the welfare of the building workers.
Power to make Regulations.	<p>41. (1) The Board, may, by notification, make regulations, not inconsistent with this Act and Rules, for the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for:-</p> <p>(a) All matters expressly required or allowed by this Act or Rules, to be made by regulations;</p> <p>(b) The terms and the conditions of appointment and service and the scales of pay of officers and staff of the Board, including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and staffs of the Board.</p> <p>(c) The procedure in regard to the transaction of business at the meeting of the Board including the quorum;</p> <p>(d) The supervision and control over the acts and proceedings of the officers and staffs of the Board and the maintenance of discipline and conduct among the officers and staffs of the Board;</p> <p>(e) The purpose for which and the manner in which temporary association of persons may be made;</p> <p>(f) The duties, the functions, the terms and conditions of service of the members of the Committees;</p> <p>(g) The manner and the form relating to the maintenance of the accounts of the Board.</p> <p>(3) No regulation or its cancellation or modification shall have effect until the same has been approved by the Government.</p>

	(4) The Government may, by notification, rescind any regulation made under this section and, thereupon, the regulation shall cease to have effect.
Saving of certain laws.	42. Nothing contained in this Act shall effect the operation of any corresponding law in a State providing welfare schemes which are more beneficial to the building and other construction workers than those provided for them by or under this Act.
Repeal and Savings.	<p>43. (1) The Meghalaya Building and Other Construction Workers' Welfare Board Ordinance, 2019 (Meghalaya Ordinance No.1 of 2019) is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.</p>

STATEMENT OF OBJECT AND REASONS

The proposed Bill namely the Meghalaya Building and Other Construction Workers' Welfare Board Bill, 2019 is to regulate the employment and conditions of service of building and other construction workers, to provide for their safety, health and welfare measures and to promote welfare of labour in the State of Meghalaya.

Hence the Bill.

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Minister in-charge

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

No expenditure will be incurred from the State Consolidated Fund for implementing the above proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 39 of the Bill empowers the Board to make rules which are matter of details and the delegations are in normal character.



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PART-I

GOVERNMENT OF MEGHALAYA
CABINET AFFAIRS DEPARTMENT

NOTIFICATION

The 10th September, 2019.

No.CA.08/2013/78.—The Governor of Meghalaya has accepted the resignation of Shri Metbah Lyngdoh from the Council of Ministers with effect from 10th September, 2019.

P. S. THANGKHIEW,
Chief Secretary to the Govt. of Meghalaya.